

REMARKS

Claims 1-2 and 4-14 are currently pending in the instant Office Action. Claim 3 has been cancelled. Claims 4 and 12 have been amended. Claims 1-2, 11 and 13-14 have been withdrawn. There being no issue of new matter entry of the foregoing amendments is respectfully requested.

I. Restriction Requirements

At Point 2 of the Office Action the Examiner issued a modified restriction requirement setting forth the following groups

- A) drawn to invention of compounds of formula IA or the method of making, or using the same
- B) Drawn to invention of compounds of formula IB or the method of making or using the same
- C) Drawn to invention of compounds of formula I wherein A is $-C(=O)-CH_2$ or method of making or using the same.

In point 3 the Examiner states that the applicants species election is effectively group A.

II. Claim objections

The Examiner indicates that claims 4-6 would be allowable if rewritten in independent form. Applicant has accordingly re-written said claims.

III. Claim rejections §102

The Examiner rejected claims 3 and 12 under 102(e) as being anticipated by Prottopopova et al. US 6,951,961. Claim 3 has been cancelled. Claim 12 has been amended to be dependent from claims 4-6 which the Examiner indicated are directed to allowable subject matter. Applicant requests that this ground for rejection be withdrawn.

IV. Claim rejections §103

The Examiner rejected claims 3 and 12 as being unpatentable over O'Neill, US 5,521,220. The

AMENDMENT
US APPLN. NO. 10/614,363

Examiner asserts that O'Neill teaches compounds of phenyl substituted ethylene diamines as defined in col. 2. and particularly compounds as defined in claim 1 wherein R4, a substituted aryl group is linked to the amine moiety with a methylene group.

Applicants do not agree with the Examiners position, however applicant has cancelled claim 3 and amended claim 12 to be dependent from claims 4-6 which the Examiner indicated are directed to allowable subject matter.

Authorization for payment of fees for a one month extension of time for reply to the Office Action is hereby given. Is not believed that any other fees are required beyond those that may otherwise be provided in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a) and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 02-2955.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,

/David Dow/

David A. Dow
Reg. No. 46,124

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 791-6214